

To: Mark Koontz[Mark.Koontz@ci.bremerton.wa.us]
From: Chris Wion
Sent: Thur 3/18/2010 9:37:42 AM
Subject: RE: City v. Sesko - Easement Location (ER 408)

Mark,

Ms. Sesko is not interested in increasing the settlement payment amount. The purpose of the proposed revised easement location was to limit the area of the easement that was of no use to the City, not to alter the central term of the agreement - payment amount - on which the parties had agreed weeks ago. If the proposed easement area does, in fact, preserve for the City the benefits it has been seeking, then please let me know. Ms. Sesko and Mr. Ho plan to be at my office this afternoon to sign the settlement papers and the \$40,000 transfer to the City can occur shortly thereafter, by no later than tomorrow morning. Arrangements have not been made for a more significant payment. Also, please note that Ms. Sesko has expended legal and surveyor fees to determine information that normally would be expected to be in the City's own possession - the location of the City's sewer lines. If the City believes that it needs the easement area originally proposed, please let me know.

We have made considerable progress over the past few months and we are hopeful that we are near the end of the process. Please call me with any questions. Thanks.

-Chris

-----Original Message-----

From: Mark Koontz [mailto:Mark.Koontz@ci.bremerton.wa.us]
Sent: Thursday, March 18, 2010 9:16 AM
To: Chris Wion
Subject: RE: City v. Sesko - Easement Location (ER 408)

Chris,

You have proposed a significant change to the size of the easement. If that is truly the size of the easement necessary, then the value of the easement is significantly less than the appraised value. That said, we may need to renegotiate the amount Ms. Sesko is going to pay the City. I have the City's engineers analyzing the survey to determine its accuracy. I will call you when I hear back from the engineers.

-Mark

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From: Chris Wion [mailto:chrisw@dhl.com]
Sent: Thursday, March 18, 2010 8:32 AM
To: Mark Koontz

BREMERTON-003131

Subject: City v. Sesko - Easement Location (ER 408)

Mark,

I am attaching the following:

- An updated Record of Survey, which shows the location of the existing vaults and sewer lines, as well as the proposed location of the easement area;
- Photos of the sewer line installation; and
- An email from the surveyor, Dan Johnson, which includes the legal description of the easement area.

<<3569 ROS REV 3-17-10.PDF>> <<Gorst Property City of Bremerton digging the ground 032.JPG>>
<<Gorst property May 09 city encroachment.JPG>> <<Gorst otherside of railway track.JPG>>

We propose that (1) the attached Record of Survey replace the City's diagram as "Exhibit A" to the Utility Easement and (2) the legal description of the easement in Mr. Johnson's email below replace the existing description in the Utility Easement.

We believe that these changes preserve for the City the benefits it is seeking, while limiting the total area of the easement to the area reasonably necessary for the City's anticipated needs.

Please call me with any questions. Thanks.

-Chris

-----Original Message-----

From: Dan Johnson [<mailto:danjohnson@aspenland.com>]
Sent: Wednesday, March 17, 2010 5:04 PM
To: Chris Wion
Cc: Natacha Sesko
Subject: RE: Utility Easement

Chris,

I met with Natacha on site this afternoon. With the aid of some photographs that she had taken while the pipeline was under construction, we were able to determine the pipeline location with respect to her property line quite accurately.

I have updated our survey map to show the pipelines, as well as the proposed easement, which is legally described as follows:

An easement upon, over, under and across a portion of Government Lot 1 of Section 32, Township 24 North, Range 1 East of the Willamette Meridian, in Kitsap County, Washington, described as follows:

Commencing at the intersection of the northwesterly margin of State Route 3 and the southerly margin of the U.S. Navy Railroad, being grantor's northeast corner; thence S 47°09'45" W along said northwesterly margin of State Route 3, a distance of 71.87 feet to the TRUE POINT OF BEGINNING; thence S 58°23'44" W, 102.67 feet; thence S 47°09'45" W, 95.03 feet to grantor's southwesterly line; thence S 38°09'46" E, 20.07 feet to said northwesterly margin of State Route 3; thence N 47°09'45" E, 197.37 feet to the True Point of Beginning.

Sincerely,
Dan Johnson
Daniel B. Johnson, PLS
Aspen Land Surveying LLC
9507 - 131st Street NW
Gig Harbor, WA 98329

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